

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

January 13, 2010

Augustus H. Evans, Jr.
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, DE 19977

RE: Augustus H. Evans, Jr. v. Sergeant Tommy Lee
Civil Action No. S07C-03-009 THG
Supreme Court Case No. 665, 2009

Dear Mr. Evans:

On January 8, 2010, you filed an Application for Transcripts in Superior Court. You ask that you be provided transcripts, at State expense, to assist you in your appeal.

On November 13, 2009, you appealed to the Delaware Supreme Court. It would appear that this Court lost jurisdiction of this case.

To the extent this Court has jurisdiction to decide if you get transcripts at State expense to pursue a civil case, I deny your application.

You are aware that an earlier request for transcripts at State's expense was turned down. Your appeal on this issue was not successful.

An indigent person is entitled to access to the Courts without paying a filing fee. That does not mean that an indigent person has any right to ask the taxpayers to pay the other expenses of litigation. For example, if an individual had a malpractice claim against a doctor, but could not afford the expenses of an expert witness, should the State pay those expenses? The answer is "No".

In other words, access to the Courts does not mandate that the State of Delaware provide you or any other indigent litigant in a civil case with the means to prosecute the case.

Your Application for Transcripts at State's expense is denied.

IT IS SO ORDERED.

Yours very truly,

/s/ T. Henley Graves

T. Henley Graves

THG:baj

cc: Prothonotary
Daniel A. Griffith, Esquire
Clerk, Supreme Court
Kathy Haynes, Official Court Reporter